

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN MATTHEW MONGER,

Petitioner,

Case No. 2:05-cv-00067 ALA (HC)

vs.

J. WOODFORD, et al.,

Respondent.

ORDER

On April 8, 2008, Petitioner, Steven Monger, filed a motion requesting that this Court appoint counsel to assist him prepare and file a Notice of Appeal. (doc 27). Currently, no absolute right to appointment of counsel exists in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). Pursuant to 18 U.S.C. § 3006A, however, appointment of counsel may be granted by this Court “if the interests of justice so require.” *See* Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the Court does not find that the interests of justice would be served by the appointment of counsel at the present time. Therefore, Petitioner’s request for an appointment of counsel is DENIED.

In Petitioner’s motion, dated April 8, 2008, Petitioner also requested that this Court afford him additional time to file his Notice of Appeal if this Court did not grant his Motion for Appointment of Counsel. (doc 27). Pursuant to the Federal Rule of Appellate Procedure 4 (a)(5), Petitioner’s request is DENIED.

1 Accordingly, **IT IS HEREBY ORDERED** that:

2 1. Petitioner's, April 8, 2008, Motion for Appointment of Counsel is DENIED without
3 prejudice to renew the motion at a later stage of the proceedings.

4 2. Petitioner's, April 8, 2008, Motion for an Extension of Time is DENIED.

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6 DATED: April 15, 2008

7 /s/ Arthur L. Alarcón
8 UNITED STATES CIRCUIT JUDGE
9 Sitting by Designation
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